

# RESPONSES TO COMMENTS

## Comment No. 31



Scott Donnell  
Associate Planner  
City of Carlsbad Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

June 27, 2005

Subject: Comments on DEIR  
Desalinization Plant Project

Dear Mr. Donnell:

These comments on the Draft EIR are made on behalf of Preserve Calavera. Preserve Calavera is a grassroots organization of residents of Carlsbad, Oceanside, and Vista and users of the open space around Mount Calavera in northeastern Carlsbad. The area is the largest remaining contiguous native habitat in a coastal North County city. It is roughly bounded by Lake Blvd. on the north, Palomar Airport Road on the south, El Camino Real on the east and Melrose on the west. Its value as native habitat is enhanced by including several parcels that have been protected for many years including Buena Vista Park in Vista, the Dawson-Los Monos Reserve, Oak Riparian Park in Oceanside, and Calavera Heights and Calavera Highlands mitigation banks.

The overall size, large number of distinct habitats contained within it, and the rich diversity of plants and animals make this area worth special consideration for preservation. Most of the area is classified as "Very High" habitat value in the MHCP Study Area (Figure 2-3). But perhaps what is most unique about this area is its location right in the middle of extensive development- where thousands of people have the opportunity to experience nature, learn to appreciate it, and to participate in its protection for future generations.

While much of this existing open space is technically "preserved", it is preserved in name only. Off-road vehicle use continues, invasive plants are displacing native species, storm water protection violations occur throughout the area and documented cases of the destruction of small populations of endangered plants are found in essentially every biological survey done in the area over the last ten years.

While the proposed desalinization plant on the coast will not directly impact this area, several of the proposed pipeline alignments and associated infrastructure will. This infrastructure will not just impact a few acres of sensitive habitat. Their location in the center of a large core habitat area potentially impacts thousands of acres of habitat, the Agua Hedionda watershed, the regional wildlife corridor, as well as the endangered species associated with this land.

We are not opposed to this project, but this draft EIR has failed to assess all of the impacts associated with this project, has underestimated many of the impacts, and has failed to provide adequate mitigation.

1

## RESPONSE TO COMMENT NO. 31

Preserve Calavera

Diane Nygaard

(Letter dated June 27, 2005)

**31A** This comment provides background on the commentor's organization and information relative to open space areas in the vicinity of Mount Calavera. The comment does not raise specific environmental issues related to the proposed project. No further response is required.

**31B** As noted on *Figure 3-5* (page 3-17) of the Draft EIR, most of the potential alignments for the offsite pipelines within the area described in Comment 31A are proposed within existing and future roadways. The exceptions occur in the vicinity of Maerke Reservoir, where a pipeline follows an existing partially paved service road between the reservoir and Shadowridge Drive (see DEIR figures 4.3-9 and 4.3-10), and in an existing 0.5 mile utility corridor between Shadowridge Drive and Cannon Road (see DEIR Figure 4.3-11). These exceptions are not located in hardline preserve or standards areas (in the City of Carlsbad) or in a preserve planning zone (in the City of Oceanside). In addition, Section 4.3 (*Biological Resources*) of the Draft EIR provides a complete discussion and analysis of potential project impacts to terrestrial biological resources. Specifically, *Table 4.3.2* (page 4.3-31) provides a summary of impacts that would result from project construction, indicating that impacts to native habitats total 5.1 acres. As noted in Section 4.3.4 (page 4.3-33), portions of the different pipeline alignments under study cross hardline preserve areas and standards areas in Carlsbad, however the alignments will not disturb these existing and future habitat areas as all construction in these areas will be located within existing or future road rights of way or will be placed underground using trenchless construction methods. The Draft EIR appropriately assesses all potential impacts to biological resources and regional habitat planning efforts and

# RESPONSES TO COMMENTS

<p>On May 12, 2004 we submitted comments on the project scope. Many of our comments and those of others that are included in the Appendices have not been adequately addressed. We understand the importance of this project to the city. But it is important to all of us that it be done in a way that achieves the project goal of improved water supply for north county, without degrading this area- the largest remaining natural habitat area in coastal north county.</p> <p>The following are specific comments on the proposed project elements. The ( ) is used to distinguish comments. "MM" and bolding is used to indicate where an additional mitigation measure is needed to adequately address the adverse environmental impacts that are identified.</p> <p>( ) 3-2 Project definition</p> <p>A single desalinization project is proposed , but two agencies are conducting independent environmental review. This is clearly a single project- with one set of alternatives for a city sponsored project, and a very similar set of alternatives for a regional project through the county water authority. The public and policy makers would be better served if this had been properly combined into a single project environmental review process.</p> <p>( ) 4.2 Air quality</p> <p>Construction and maintenance of the distribution system also has potential air quality impacts that were not identified or evaluated.</p> <p>4.3 Biological Resources</p> <p>( ) The distribution lines will require permanent access for inspection, maintenance and repair. In some segments these lines are not part of roadways and cross sensitive habitat. Project representatives have stated that there will be air and vacuum relief valves that will extend about 14" above ground level and be located at high points where there is an elevation change along the line- roughly about every ½ mile. They further stated that these valves would probably have a monthly manual check and more extensive checks/repairs as needed (although this is anticipated to be infrequent). Where such lines are not located within roadways of existing utility easements they may require new roads- both to access the pipeline, particularly at the valve location, and often along the entire length of the line. Areas impacted by such roads or maintenance access will have permanent impacts- which were not identified in the DEIR.</p> <p>Please provide full explanation of where such new access will be needed, how each of the valve locations will be accessed, and identify the direct and indirect habitat impacts and proposed mitigation for each of these impacts by habitat type.</p> <p>( ) Figures 4.3-9,10, and 11 do not indicate the construction method by segment. The method will determine the localized temporary construction impacts- impacts which cannot be evaluated without knowing what construction method is being used. This is most important to distinguish which segments are within roadways and which are not. Project representatives have stated that about 90% of the pipeline alignment is within existing roads or utility easements. Please provide figures showing construction method,</p> <p style="text-align: right;">2</p>	<p>provides mitigation that is consistent with the requirements of regional and local habitat plans sufficient to mitigate project impacts to less than significant levels.</p> <p><b>31C</b> This comment provides a general statement regarding the commmentor's scoping (NOP) comments. Preparation of the Draft EIR considered these and all other comments submitted during the scoping process. Additional detail related to the general topics mentioned in this comment is provided in subsequent comments, for which responses are provided below.</p> <p><b>31D</b> The commentor notes that there are two agencies considering similar projects at the same location, and indicates their understanding that only one project would be built. This comment is consistent with the circumstances that are described in <i>Section 3.1</i> (pp. 3-2,3) of the Draft EIR. The comment further states an opinion regarding the merit of the review process being undertaken by each of the agencies. Since no issues related to the adequacy of the environmental analysis contained in the Draft EIR is provided, no additional response is required.</p> <p><b>31E</b> The Draft EIR in Section 4.2.4, at pages 4.2-13 through 16 (as well as the air quality technical appendix – Appendix D of the Draft EIR) identifies and evaluates potential air emissions specifically related to the off-site water distribution system. <i>Table 4.2-6</i> on page 4.2-12 of the Draft EIR provides a detailed breakdown of the construction activities and equipment required to construct the off-site facilities, and <i>Table 4.20-7</i> on page 4.2-15 of the Draft EIR provides a quantification of air emissions specifically related to construction of the offsite facilities. In addition, operational impacts associated with the offsite pump station are included in air emission estimates presented in <i>Table 4.2-8</i> (page 4.2-17) of the Draft EIR. Maintenance of the pipelines is anticipated to be negligible and is not anticipated to not involve activities that result in measurable air emissions. Therefore, the Lead Agency believes that all of the potential air emissions</p>
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# RESPONSES TO COMMENTS

<p>where segments are located within existing roads/easements and where new easements are being established.</p> <p>( ) There is discussion of minimal impacts to jurisdictional wetlands- but no figure showing where these impacts are located. Project representatives have stated that the only area of such impact is within the recreational vehicle storage area at the Ocean Hills Country Club. What drainage area is this located within, and is this an isolated or connecting wetland? Please provide a figure showing area of jurisdictional impact and specific wetland habitats within and adjacent to the area of impact.</p> <p>( ) There is no discussion of actions taken to avoid wetland impacts. San Diego County has lost an estimated 90% of its historic wetlands. The importance of wetlands to the health of the ecosystem is supported by their protection in Federal and State law, in the regional MHCP, and in Carlsbad's HMP which references the MHCP for wetlands protection. Section 3.6.1 of the MHCP states that "Any project that proposes to directly or indirectly impact wetlands or wetland vegetation communities (whether inside or outside the FPA) shall fully disclose and analyze such impacts in a CEQA document or in findings prepared under a local MHCP implementing ordinance. The CEQA document or findings document must fully analyze and factually substantiate that impacts to wetlands were avoided and minimized to the maximum extent possible while still maintaining some economic or productive use of the property." This CEQA document identifies both direct and indirect impacts and has failed to show how wetland protection criteria have been met.</p> <p>Furthermore wetlands impacts require compliance with the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines or whether the project is the least environmentally damaging practical alternative (LEDPA) as required by federal Clean Water Act regulations. Compliance with EPA Guidelines should also be included as part of the criteria for determining significance of impacts. Both the threshold and an analysis of compliance must be included as part of the assessment of impacts on biological resources.</p> <p>( ) Section 3.7 of the MHCP further clarifies the obligation to avoid impacts to covered species and their habitats. This section states "Road or utility projects that are to be permitted under an MHCP subarea plan will be required to demonstrate that crossings of sensitive habitat will occur at the least overall biologically sensitive location and that all feasible minimization measures have been employed." The proposed distribution system includes impacts to both upland and wetland habitats that support endangered and threatened species. There is nothing in the EIR that indicates any actions have been taken to assure the selected alignment is the least biologically sensitive location. In fact the DEIR fails to even show the extent of impact to sensitive species for each of the proposed distribution system alignments. This lack of information makes it impossible to determine which alignment would be the least damaging. Furthermore, there is no discussion of minimization efforts.</p> <p>( ) Table 4.3-2 and others includes "ruderal" as a habitat type. This is no longer distinguished as a habitat type in either the regional MHCP or Carlsbad's HMP. Habitat classifications and mitigation should be corrected to match those of the local plans.</p> <p>( ) 4.3-32 states "Because of the temporary nature of the project impacts, no direct impacts are anticipated to habitat linkages or wildlife movement corridors." The distribution lines cross core habitat and the regional wildlife corridor. There will probably</p> <p style="text-align: right;">3</p>	<p>related to construction and operation of the offsite water delivery features of the project have been adequately analyzed.</p> <p><b>31F</b> All pipelines will be located within a roadway right-of-way or within disturbed land with the exception of the pipe that parallels the Tri-Agencies Pipeline and the San Diego Gas &amp; Electric easement. This area is located south of Cannon Road in the City of Oceanside. The length of this portion of the pipeline is 1/2 mile and has a relatively constant and shallow slope down from Shadowridge Drive to Cannon Road. It is anticipated that appurtenant facilities (air relief valve) will be installed near Cannon Road. No facilities would be required between Cannon Road and Shadowridge Drive. Access to this portion of the pipe would be by the same access used for the Tri-Agencies Pipeline and for the SDG&amp;E facilities. No access road construction will be required for any of the potential alignments. All air valve discharges will be located behind sidewalks or curbs, and valves can be located either below grade above the pipe or protected in a below-grade precast box at the discharge behind the sidewalk/curb. Surge facilities will be located at the proposed pump stations.</p> <p><b>31G</b> As noted in <i>Section 4.3.1</i> (Page 4.3-1) of the Draft EIR, the areas that are analyzed for potential impacts on terrestrial biological resources are only those areas outside of existing or approved roadways (those roadways that have already been the subject of CEQA review). Impacts would result from ground disturbing activities associated with open trench construction. Impacts were estimated using a "worst case" assumption of a 40-foot impact corridor. <i>Figures 4.3-1</i> through <i>4.3-11</i> show all of the areas potentially impacted by open trench construction. Some of the areas shown on <i>Figures 4.3-1</i> through 8 are proposed for trenchless construction techniques, and are noted as such. All of the areas shown on <i>Figures 4.3-9</i> through <i>11</i> are proposed for open trench construction and do not include any areas proposed for trenchless construction. To clarify where trenchless construction is proposed throughout the project area, a notation has been</p>
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# RESPONSES TO COMMENTS

be a 20' utility road across the wildlife corridor. Besides the direct habitat impacts this will open up the area to potential vehicular use- as well as pedestrians. The provision of wildlife corridors and linkages between core habitats is discussed throughout the MHCP and HMP. In Section 3.2.2 of Vol. 2 of the MHCP it states "The riparian ecological community provides movement corridors for a number of species. The natural linear configuration of this ecological community forms continuous linkages between other habitats, and it sometimes provides the only remaining movement corridors through urban or agricultural areas." Furthermore, our comment letter on the project scope identified particular concerns as some of the proposed alignments would impact the regional wildlife corridor in areas where it was already compromised ( less than the desired corridor width, edge impacts from adjacent development, and road crossings). It was requested that the DEIR include mapping of the corridor and review of MHCP compliance- none of this was addressed in the DEIR.

The DEIR failed to assess the impact on both regional and local wildlife movement corridors- a critical element for overall species conservation. Full impacts need to be identified- with mitigation which at a minimum should include selection of an alignment which minimizes such impacts, and construction phasing and management that assures that wildlife have an unobstructed movement corridor throughout the construction phase and with the permanent project. Staff has stated that pipeline construction is expected to proceed at a rate of about 25-30' per day- or about 1,000 feet per month. Since the wildlife corridor is typically about 1,000 feet wide the period of disruption could be significant unless there is a mitigation measure that assures a functioning corridor is maintained.

( ) MM 4.3-3 states "Biological monitoring shall be of a frequency and duration necessary to reasonably assure that indirect impacts are minimized." This is critical- but unenforceable as written. The impacts of concern need to be clear. The monitoring needs to be defined with enough detail so that it is possible to make a judgement that it is reasonable. There are some basic guidelines for this identified in the MHCP. The MM needs to be consistent with the MHCP and provide more detail so that it is capable of being enforced.

( ) Hydrofracturing is mentioned as a possible impact in the DEIR. Project representatives have stated that the only area of concern is in Macario Canyon. They further stated that if this would occur it could result in slurry breaking through to the surface. Please provide clarification of what the anticipated impacts are, how the project has addressed them, and how the conclusion was reached that these are insignificant and require no mitigation- particularly given the proximity to Agua Hedionda Lagoon.

( ) Clarify if any of the proposed infrastructure effects hardline conservation land as the HMP does not show any planned impacts for water distribution system through this area. If there are impacts in hardline areas then there needs to be a more complete description of proposed revisions to hardline boundaries, and double the normal mitigation for impacting hardline land.

( ) Portions of the proposed pipeline alignment will impact the only remaining core habitat area in Carlsbad, and one of very few in the entire seven city MHCP area. Vol. 1 of the MHCP discusses the overall importance of these core areas, while Volume 2 discusses the species specific conservation and management actions. The proposed project design will reduce the remaining core habitat. The DEIR failed to evaluate the effect of this on

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added to Figure 3-5, showing the locations where trenchless construction is proposed for all potential alignments. Pipeline construction method is open-cut unless specifically called out as "Trenchless Construction".

Some short segments that are not currently called out as requiring trenchless construction may, in fact, require this method. One example is the narrow easement to the Maerle Reservoir from the City of Carlsbad Flow Control Structure No. 3 at the Tri-Agencies Pipeline, located north of the reservoir along Shadowridge Drive. The City of Carlsbad engineering staff have not identified this segment as requiring a trenchless method at this time. Detailed design information may identify the limitations of open-cut construction along this route. Important considerations will include the feasibility of installing a new 30-inch pipe while maintaining operation of the existing pipe, noise and dust impacts, length of construction time and cost.

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Project impacts to jurisdictional wetlands/waters, including herbaceous wetland, open channel and southern willow scrub vegetation communities/land cover types are shown on Figure 4.3-11 (page 4.3-30) and discussed in Section 4.3.4 (page 4.3-31) of the Draft EIR. Impacts are identified as follows: herbaceous wetland (0.05 acre), open channel (0.07 acre) and southern willow scrub (0.44 acre) (Table 4.3-2, page 4.3-31 of the Draft EIR). No isolated waters were identified within the project impact area.

31I

Formal Findings of Consistency with the Carlsbad HMP will be required for the project prior to any approvals that convey take authorization pursuant to the HMP. The Findings will include all necessary documentation related to wetland protection requirements of the HMP and permit conditions related to the 10 (a)(1)(B) and NCCP permits issued in conjunction with the HMP for take of covered species. Impact avoidance and minimization techniques are also discussed in the Draft EIR in Section 4.3.4 (pages 4.3-18 and 19),



# RESPONSES TO COMMENTS

species specific conservation and management.

MM for this habitat impact should include that mitigation occur within this core area or linkages in order to maintain the biological value assumed in the HMP/MHCP.

( ) The California Coastal Gnatcatcher(CCG)is a key species of concern in both the MHCP and HMP. A pair of CCG establishes a territory and the density that can be supported depends upon the quality of the habitat in the territory. The DEIR does not show locations near the proposed pipeline alignments , discuss habitat quality or estimate the number of pairs that can be supported pre and post project conditions. The Biological Technical Report stated that a CCG was noted around Maerle reservoir- but location was not mapped, and the very limited areas where biological surveys were done does not support the conclusion that there are no impacts. Furthermore portions of the alignments shown on Figure 2 Vicinity map in the Biological Technical Report cross areas designated by the USFWS as critical habitat for the CCG. The DEIR needs to identify impacts on this designated critical habitat area, map locations along all of the proposed alignment segments, and fully discuss potential impacts to this species.

( ) The Bio Technical Report Figure 2 identifies the areas where vegetation mapping was done for the project. These areas do not include key segments that cross sensitive habitat including reaches B4, B5, G2-N and G3-N. If other biological survey data was used for those segments then it should be summarized in the DEIR so it is possible to assess direct, indirect, and cumulative impacts. This is of particular concern because a number of the impacted habitat types could include narrow endemic species that are covered by the city of Carlsbad take permit. Adequate survey information needs to be provided to assure that potential impacts to any narrow endemic species are fully identified and mitigated.

( ) The alignments shown on Figure 2 Vicinity map in the Biological Technical Report do not match the alignments shown in the DEIR as "Offsite Pipeline Alternative Routes Reach Location Key Map." Please clarify this discrepancy and clarify if bio survey area is consistent with the alignments in the DEIR.

( ) There are a number of issues specific to each of the proposed pipeline alignments. This information has not been provided in sufficient detail to use the biological impact information as criteria to select which alternative alignment is preferred. For example, the Blue alignment assumes a portion of the pipeline will be located in the eastern portion of Faraday ( from El Fuerte to the existing terminus near the safety center). However the project EIR for the Carlsbad Oaks North project which includes the financing district for this section of roadway shows that it will not be built until after 2010 and there is no certainty of construction as it will be dependent upon future traffic volume. Furthermore a portion of this would cross land recently purchased from the county of San Diego for mitigation of the Carlsbad Oaks North project. An impact to mitigation land will require twice the normal mitigation- a key issue, which was not called out in the DEIR. If this roadway has not been constructed then all impacts from this pipeline segment should be attributed to the desal project. These impacts have not been identified or mitigated.

The Green alignment shows no connection from G3-N to Maerle Reservoir. When asked about this, project staff indicated that there would be a connection- and that this portion of

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relative to trenchless construction methods that will be employed in areas of drainage crossings and wetland areas. Section 4.3.4 (page 4.3-31) of the Draft EIR indicates that impacts to jurisdictional waters/wetlands are subject to review under Sections 401 and 404 of the federal Clean Water Act and/or Section 1602 of the California Fish and Game Code. In addition, the significance thresholds (Section 4.3.3, page 4.3-15 of the Draft EIR) appropriately identify the following threshold identified in Appendix G of the State CEQA Guidelines: "The project may have a significant effect on the environment if it would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means". Such impacts are identified in the Draft EIR, as noted in this response.

Section 3.3 (page 3-16) of the Draft EIR states that "Roadway alignments have been identified as the primary pipeline alignments to facilitate right-of-way issues, and to *avoid impacts that could be involved with off-road alignments.*" (emphasis added). Also, as noted in Response 31I, further measures to avoid and reduce impacts to sensitive resources using trenchless construction techniques are also discussed in the Draft EIR. Surveys for sensitive species were conducted as a part of the Biological Resources Technical Report (Appendix E of the Draft EIR), and the species occurrence data collected from those surveys is shown on Figures 4.3-1 through 11 (pages 4.3-20 through 30) of the Draft EIR. In addition, Section 4.3.4 (page 4.3-32) provides a discussion of impacts to sensitive plants and sensitive animals that would result from project implementation. Therefore, the Lead Agency believes that adequate information has been provided to both illustrate and characterize the type and magnitude of project impacts on biological resources, and to explain impact avoidance and minimization measures.

# RESPONSES TO COMMENTS

<p>the pipeline was addressed in the Master Water Plan for the City of Carlsbad. Review of the 2003 Master Water Plan (info confirmed by city of Carlsbad staff) indicate that a potable water pipeline is proposed that would connect through the area proposed for the Green alignment pipeline from Reach G3-N to Maerkle. Funds were allocated for this segment in the 2005/06 budget approved June 21, 2005. City staff further confirmed that the Carlsbad Master Water Plan does not include the distribution for desalinated water. It was assumed that this would be addressed outside of the plan. The Desal DEIR Green alignment needs to show the full pipeline connection to Maerkle, which is assumed- but not included. There will be additional temporary and potential permanent impacts from this segment of the pipeline, which was not included in the DEIR.</p> <p>Furthermore, as far as we have been able to determine, no EIR has been done for this segment of the city's proposed pipeline. City staff stated that this was included in the EIR for the Cantarini/Holly Springs Projects. However review of the original and recirculated EIR's for those two housing projects show no city water pipeline in the project description or the discussion of water supply impacts in section 4.9. It appears that no EIR has been done for this segment of pipeline. Please clarify what environmental reviews have occurred for all segments of the distribution system that are needed for the desal plant project- and address the cumulative impacts of the desal and potable water lines that are assumed to parallel each other.</p> <p>( ) Text indicates there are several areas where abandoned lines will be removed- but there is no identification of where this will occur, and what the impacts would be from this action. Please specify where such line removals would take place, identify the impacts and explain why any segments are being removed rather than just capping off and leaving in place which could significantly reduce impacts.</p> <p>( ) AB 130 requires that the mitigation/monitoring plan be included in the CEQA document. Simply listing mitigation measures is not a sufficient plan. The MMP needs to specify not only what will be done, but when, by whom, and how there is assurance that it has been done. Please provide full Mitigation/Monitoring Plan.</p> <p>( ) 4.5 Clarify how the type of pipe will effect life, and level/type of maintenance requirements. In the absence of this information it is not possible to assess potential impacts from such activities.</p> <p>( ) 4.7 Hydrology. This is a large size pipeline with high pressure- up to 350 psi in some locations. Leaks/damage to such pipes can cause a high volume of run-off in a short time- and part of this is upslope from wetlands where erosion could impact the water bodies and/or sensitive wetland vegetation. We have recently experienced several sewer spills in sensitive areas caused by vandals. All such infrastructure should be assumed to be a potential target. Please explain how leaks will be detected/monitored and provisions that assure rapid response to address any problem with the distribution line. A mitigation measure should be included that addresses timely response to spills/leaks in order to minimize any such impacts.</p> <p>( ) 4.8 Land Use. There is a potential for indirect impacts associated with the pipeline. The HMP/MHCP identifies a number of potential edge effects associated with development. Portions of the pipeline will go through hardline conserved lands so this issue should be addressed in the DEIR and has not been. Edge effects of development on</p> <p style="text-align: right;">6</p>	<p><b>31K</b> Vegetation and land cover mapping conducted for the project followed the standard naming conventions identified by Holland (as referenced in Appendix E of the Draft EIR). Ruderal land cover is considered a subset of “disturbed” land cover identified in the MHCP and HMP, and is used to provide additional detail regarding the project impacts. The ruderal nomenclature indicates establishment of non-native plant species within disturbed areas. Neither disturbed, nor ruderal land cover types are considered sensitive, and as such, impacts to these land cover types are not considered significant, and no mitigation is required.</p> <p><b>31L</b> See Response 31B. Portions of the offsite pipelines that cross core habitat area and regional linkage areas are within existing or proposed roadways (concurrent with or after road construction), and therefore construction of a water delivery pipeline within the roadways would have no effect on wildlife movement or other linkage function across the roadways. Specifically, Section 4.3.4 (page 4.3-33 of the Draft EIR states that “while portions of the different pipeline alignments under study cross hardline preserve areas and standards areas in Carlsbad, the alignments will not disturb these existing and future habitat areas as all construction will be located within existing or future road rights of way or will be placed underground using trenchless construction methods.” The project does not propose the construction of access (maintenance) roads and as such, permanent impacts associated with maintenance roads was not analyzed and is not covered by the EIR (see Draft EIR at page 4.3-18 – “For the purposes of this assessment, all biological resources within the limits of the proposed trenching, and drilling and receiving pits are considered temporary impacts, because no permanent improvements, such as access roads are proposed.”)</p> <p><b>31M</b> The Lead Agency believes that the mitigation measure provides adequate assurance that sufficient monitoring of biological resources will be carried out by the Lead Agency, and is consistent with the requirements of the HMP.</p>
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# RESPONSES TO COMMENTS

<p>preserve land is a significant indirect impact- and one that requires mitigation. This effect was considered in the MHCP preserve design as is shown on Figure 2-4 Volume II Final MHCP Plan. The measure of 200 meters from a preserve edge was used to evaluate these effects and assure that the resultant preserve design would still meet biological goals and standards. For the plan to work edge effects must be controlled and minimized, large contiguous blocks of habitat must be retained in the defined core areas, and edge effects must be taken into account in preserve design. The proposed project design violates all of these principles.</p> <p>These concepts are incorporated into the MHCP Volume 1, Section 3.8 Biological preserve design checklist. The general Preserve Design checklist includes:</p> <ul style="list-style-type: none"> <li>- large blocks of unfragmented habitat, following natural topography (ridges and watersheds)</li> <li>- key existing linkage areas between core habitat blocks; restoration or enhancement as necessary to forge connections to other open space lands and to other subareas or habitat patches outside the subarea plan</li> <li>- configuration that minimizes edge effects between habitat preserves and development and edge-to-edge preserve ratio</li> </ul> <p>None of these concepts were addressed in the DEIR.</p> <p>In addition to the MHCP, Carlsbad's HMP recognizes the potential for adverse impacts from edge effects and includes specific management actions to minimize these adverse effects which are detailed in section F.3 Adjacency Standards. There is no discussion of fire management, landscaping restrictions, fencing, signing, lighting, and predator and exotic species control- all issues that impact the nearby preserve land. Edge effects need to be specifically addressed- with appropriate mitigation measures. In the case of the pipeline this needs to at a minimum include basic items such as gates on the pipeline access roads, appropriate signage, and lighting control around Maerkle.</p> <p>( ) 4.9 Noise. The noise analysis was done from heavy traffic locations- where noise levels are already high. The project noise level analysis should look at potential impacts on sensitive species, and on residents close to construction areas. For example, one of the noise monitoring locations was at the intersection of Cannon/Wisteria- blocks away from any of the alternative pipeline routes. What is the noise level in the immediate vicinity of construction along the pipeline and at the pump station in the open space area near Maerkle reservoir? There are sensitive receptors in this area- both endangered species and residents of the senior community.</p> <p>( ) Vibration is mentioned as a potential impact but it is concluded that the area of impact is "not in close proximity to residents" therefore there are no significant impacts. Please provide a figure that shows area of impact so it is possible to determine proximity/potential impacts- both to residents and sensitive species in the open space areas.</p> <p>( ) 4.10 Traffic. Please limit hours/days of construction and truck traffic in a MM in order to reduce effects on adjacent residences as well as sensitive species.</p> <p style="text-align: right;">7</p>	<p><b>31N</b> The commentor inaccurately represents the conclusions of the Draft EIR with respect to potential impacts associated with hydro-fracturing. The Draft EIR Section 4.3.4 (page 4.3-18) specifically states that "If hydro-fracturing occurs in areas of sensitive biological resources, significant impacts could result." and consequently provides mitigation measures (Mitigation measure 4.3-6, page 4.3-54 of the Draft EIR).</p> <p><b>31O</b> See Responses 31B and 31L. The Draft EIR clearly states that no hardline conservation areas would be affected by the project, because of their proposed location within existing or future roadways.</p> <p><b>31P</b> See Responses 31B, 31L and 31O.</p> <p><b>31Q</b> Section 4.3.4 (page 4.3-32) of the Draft EIR states that "implementation of the proposed project would result in the temporary loss of suitable habitat for three pairs and one individual coastal California gnatcatcher", and identifies this impact as significant. Mitigation for this impact is provided in Section 4.3.6 (page 4.3-52 and 53) in the form of habitat replacement at ratios specified by and consistent with the HMP, and by requiring that clearing of coastal sage scrub habitat be conducted outside of the breeding season of the coastal California gnatcatcher, also pursuant to the HMP requirements. The location of the individuals was not identified within the project impact area, however, the Biological Resources Technical Report (Appendix E of the Draft EIR) and the EIR text as noted above identified the area of coastal sage scrub within the vicinity of the mapped individuals as suitable habitat. It is therefore presumed that the areas impacted could support the species, and the mitigation measures therefore reflect that the impacted areas are potentially occupied by the species.</p> <p><b>31R</b> See Responses 31B, 31L and 31O. The referenced pipeline segments are all within either existing roadways or within future alignments of approved roadways, for which CEQA documentation has already been completed, as noted in Section 2.4 (pages 2-2 through 5).</p>
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# RESPONSES TO COMMENTS

<p>( ) 5.0 Cumulative Impacts. Under the conditions of the approved habitat take permit, the city is required to assess consistency with the MHCP/HMP in the project CEQA document. The DEIR merely states that the proposed project is consistent. Such a statement is not sufficient to meet the conditions of the take permit- particularly where elements of the project will impact core habitat, and the regional wildlife corridor. A detailed list of consistency findings needs to be included in the DEIR. This is of particular concern because there is no identification of a preferred pipeline alignment. This results in incomplete identification of project impacts, and just a very general description of how impacts will be mitigated. The level of detail is insufficient to make adequate consistency findings.</p> <p>( ) Project information indicates no pump station within the core open space area or around Maerle, but the city of Carlsbad Master Water Plan has a project for greatly increased pump capacity at Maerle. This should be considered as part of the cumulative project impacts. Furthermore water distribution systems and pump stations have security risks. Increased site security could impact project footprint. Please identify all cumulative impacts associated with increased pump station capacity and improved system security.</p> <p>( ) One of the key issues in the California Coastal Commission analysis of coastal desal plants was the impact on privatization of water and how this has effected other areas where such privatization has already occurred. They concluded that the issue of privatizing could have significant environmental consequences. This issue was identified as a concern in our scoping letter, but has not been addressed in this DEIR.</p> <p>( ) 6.0 Project Alternatives. Three alternative pipeline alignments are identified on Figures- but there is no description of impacts by alternative and consequently no ability to determine which of these is the least damaging. It appears that all would impact some sensitive habitat. The CEQA guidelines require that biologically superior alternatives be defined and compared to the selected alternative. Such alternatives should describe their relative impacts on biological resources for the entire project- and not just the marine impacts from the desal plant itself. No environmentally preferred alternative was described in sufficient detail to make any determination of relative impacts- i.e. there is no way to quantify trade-off in terms of the reduced habitat and wetlands impacts Vs other project objectives. This lack of information precludes informed decisions by the public, the public officials responsible for reviewing and approving the DEIR for the city, and for the resource agencies.</p> <p>The distribution system is a project element with a number of adverse impacts, which can be easily distinguished as variations of a proposed project. The city has previously been informed of the key issues that must be addressed in an alternatives analysis. This includes ( Delano, 2001): "The core of an EIR is the mitigation and alternatives sections." <u>Citizens of Goleta Valley v. Board of Supervisors</u>, 52 Cal.3d 553, 564 (1990). An EIR "must produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects and concerns." <u>San Bernardino Valley Audubon Society, Inc v. County of San Bernardino</u>, 122 Cal. App. 3d738,750-51 (1984). "Environmentally superior alternatives must be examined whether or not they would impede to some degree the attainment of objectives." <u>Kings County</u>, 221 Cal. App. 3d at 737.) the core of the EIR process. The alternatives analysis in the DEIR did not provide an adequate range of alternatives to assess the environmental impacts of the proposed project.</p>	<p><b>31S</b> Figure 2 of the Biological Resources Technical Report (Appendix E of the Draft EIR) includes an alignment of pipeline that is actually part of the City's Water Master Plan, which would provide a connection from the proposed desalination water delivery pipeline in College Boulevard extended to Maerle Reservoir, under one of the potential alignment options. Because that facility is not proposed as one of the project facilities, it is not shown on Figure 3-5 of the Draft EIR text. To avoid confusion and provide clarification, Figure 2 of the Biological technical Report contained in Appendix E of the Draft EIR has been revised to be consistent with Figure 3-5 of the EIR text.</p> <p><b>31T</b> As noted in Section 3.3 (page 3-16) of the Draft EIR, "a number of alignment options have been identified to provide flexibility in alignment selection and to ensure that all potential alignment segments are analyzed in the EIR." The pipelines that are proposed within future roadways, such as the Faraday Avenue (which is currently under construction) and College Boulevard extensions, would not be built in advance of the roadways themselves. Therefore there would be no impacts attributable to only the pipelines within these future road rights-of-way. If timing for construction of these future roadways does not coincide with timing of construction of the offsite pipelines, different routing options will be implemented.</p> <p><b>31U</b> See Response 31T. While it may be true that the Carlsbad Water Master Plan does not include facilities to accommodate the proposed project, the water distribution lines proposed in the Master Plan are capable of conveying potable water, regardless of the source (e.g. imported water or locally supplied desalinated water). Therefore, the proposed project, under one of its water delivery option scenarios, proposes to utilize the future Water Master Plan pipeline that is proposed to traverse the future Cantarini/Holly Springs development area. That proposed Water Master Plan facility would have adequate capacity to accommodate flows anticipated from the proposed project.</p>
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# RESPONSES TO COMMENTS

<p>( ) 9.0 Growth Inducing. The analysis references the RWFMP program EIR which identified the desal plant as being growth inducing, yet this project DEIR concludes that it is not. This discrepancy between the conclusions in these two EIRs requires further explanation. Since this project will contribute 50 mg/d of the 112-133 mg/d from a regional facility it seems reasonable that the growth inducing impacts would be proportional.</p> <p style="text-align: center;"><b>Conclusions</b></p> <p>We believe these comments fully support our recommendation to require a new EIR that fully assesses direct and indirect project impacts, provides appropriate mitigation, adequately assesses cumulative impacts and project alternatives, and fully justifies the selection of a preferred alternative.</p> <p>The DEIR has failed to address numerous reasonable foreseeable environmental impacts. The City should require that these issues be addressed in a recirculated DEIR.</p> <p>Thank you for your consideration of these comments. We look forward to working with you to achieve a project that improves our water supply, without degrading the largest natural open space area left in coastal North County.</p> <p>Sincerely,</p> <p>Diane Nygaard On Behalf of Preserve Calavera</p> <p>Cc: Ben Frater- USFWS Nancy Frost – Ca Dept of Fish and Game</p> <p style="text-align: center;">5020 Nighthawk Way – Oceanside, CA 92056 www.preservecalavera.org</p> <p style="text-align: center;">9</p>	<p><b>31V</b> As noted in Response 31T, the pipeline contemplated within the future extension of College Boulevard is one option being considered, and selection of that option would be contingent upon both the commencement of road construction concurrent with project construction, and commencement of the Cantarini/Holly Springs projects to make the connection to Maerke Reservoir. Subject to separate environmental review, the City of Carlsbad intends to locate the future facilities identified in the Water Master Plan within future roadways of those developments. However, the alignment for the pipeline within the development projects and east to Maerke Reservoir is not sufficiently established to provide for a specific alignment. This constraint also applies to the optional segment of pipeline that would carry desalinated water. As noted, if timing for development of future roads and development projects does not coincide with development of the desalination water delivery pipelines, other alignment options would be implemented. Specifically, access to Maerke Reservoir would be achieved by either implementing the Blue alignment, or by selecting the Lake Boulevard alignment (shown in pink on Figure 3-5 of the Draft EIR) with the Green alignment.</p> <p><b>31W</b> It is not clear what portion of the text the commentor is referencing. It is not proposed that any existing pipelines would be abandoned or removed.</p> <p><b>31X</b> A Mitigation Monitoring and Reporting Program (MMRP) is being prepared for the project, pursuant to the requirements of Section 15097 of the State CEQA Guidelines. As required, the MMRP is to be adopted in conjunction with approval of the project and will therefore be included among the items considered by the Lead Agency in its deliberations over the project.</p> <p><b>31Y</b> The anticipated pipe materials include cement mortar lined and coated steel pipe, concrete cylinder pipe or a combination. These materials are very rugged because of the composite construction and can withstand design pressures in excess of what is expected for this project. The inherent</p>
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## RESPONSES TO COMMENTS

	<p>corrosion resistance of the Portland cement mortar for both types of pipe will help to minimize or eliminate unscheduled maintenance activities. Additional cathodic protection can be installed where aggressive soils are encountered. Pipe and joints are designed as a system and incorporate the analyses of internal and external loadings, soil conditions, pipe deflection and occurrence of other nearby facilities. Surge analyses are conducted to determine the maximum and minimum pressures the pipeline could be subjected to due to a condition such as a pump failure. Properly designed piping systems will last decades.</p>
<b>31Z</b>	<p>Leak protection is provided by proper pipeline design and installation. A properly designed pressure pipeline will not leak. As stated above, cement mortar is inherently resistant to corrosion. The steel components will quickly develop an oxide coating, which is maintained by the high pH mortar. Where soils indicate, cathodic protection with monitoring stations will be installed. These stations are unobtrusive and allow a maintenance crew to test for an electrical current. A current indicates that cathodic protection is occurring. Continuous construction observation by independent construction inspectors as well as City inspectors, includes soils (pipe bedding, backfill and roadway base) material and density testing, welded joint testing and general observance of whether generally accepted construction principles and methods are being used. Engineering support includes review of all materials and methods the contractor is proposing along with conformance with the contract documents. This approach will ensure a trouble-free system for decades.</p> <p>There really are no direct methods for pipe leak detection. Cathodic protection test stations may indicate a future problem, but will not necessarily indicate that a leak is occurring. Other means for testing pipeline function could include continuous or intermittent pressure monitoring at strategic locations along the pipeline. Pressure readings that differ from established normal readings could indicate a problem.</p>

# RESPONSES TO COMMENTS

	<p>A pressure pipeline is different than a gravity sewer system. No structures allow access to the pressure piping system. Air/vacuum valves are protected underground, and improper functioning of valve blow-offs will not impair the safe operation of the piping system. A regularly scheduled visit to each blow-off will allow personnel to maintain and repair any damage. Any pump stations will be fenced and will be continuously monitored for intrusion. All pumps and appurtenances will be located within a locked building. No facilities will be unsecured.</p> <p><b>31AA</b> See Responses 31B, 31L and 31O. Facilities proposed within areas identified as hardline preserve would be within existing or future roadways. Such project facilities therefore would not result in any changes to existing conditions relative to edge effects associated with existing roads, nor would they increase or modify any of the edge effects anticipated to occur with future roads in areas of sensitive habitat, because the pipelines would be installed beneath the roadway and would not have any above-ground features. Therefore, the preserve design issues identified by the commentor are not relevant to the proposed project. Additionally, indirect or “edge” effects for those segments of pipeline that are proposed outside of existing or future roadways or development areas (all of which are outside of HMP and MHCP designated hardline conservation areas) are addressed in the Draft EIR Section 4.3.4 (pages 4.3-32 and 33).</p> <p><b>31BB</b> For the reasons stated in Response 31AA, the referenced adjacency standards are not applicable to the proposed pipelines.</p> <p><b>31CC</b> As stated in Section 4.9.2 (page 4.9-4) of the Draft EIR, “the existing noise environment varies widely throughout the offsite pipeline project area, generally ranging from quiet uninhabited areas to urban residential. Noise measurements were conducted along the proposed offsite pipeline project area to determine the approximate ambient daytime noise level. The</p>
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# RESPONSES TO COMMENTS

	<p>measured average sound level varied from 41 to 68 dB. The greatest noise levels resulted at noise measurement sites that were exposed to traffic noise from Melrose Drive and Cannon Road. The lower noise levels were at sites where there was no traffic nearby or within residential areas such as Site 6 near Redwood Crest, or Site 8 at the existing terminus of Faraday Avenue in the City of Vista.” These noise measurement locations include both residential and undeveloped areas containing sensitive habitats. Table 4.9-2 (page 4.9-4) of the Draft EIR provides noise measurements from these locations. As noted on page 4.9-7 of the Draft EIR, “The closest noise sensitive receivers are generally located adjacent to the pipeline utility corridor and residential roads within the Shadowridge Community in Vista and Ocean Hills Community in Oceanside. The residences would be approximately 40 to 50 feet from the proposed pipeline construction area.” It is assumed that the commentor’s reference to the “senior community” is the Ocean Hills Country Club community within the Ocean Hills area of Oceanside.</p> <p><b>31DD</b> Language has been added to the Final EIR discussion on vibration (page 4.9-9 of the Draft EIR) to clarify that the activities with the potential to generate ground-borne vibration are associated with the proposed desalination plant site, which is noted on Figure 3-3 (page 3-8 of the Draft EIR), not the offsite pipelines.</p> <p><b>31EE</b> The project will be required to develop a traffic control plan and a construction routing plan. Depending on the ultimate combination of pipeline segments selected, the Lead Agency will impose restrictions on routing and timing of truck trips, based on traffic conditions at the time of construction, as noted in Mitigation Measure 4.10-2 (pages 4.10-12 and 13 of the Draft EIR).</p> <p><b>31FF</b> The Draft EIR, Section 4.3.4 (page 4.3-33) discusses the project’s relationship to applicable regional resource planning efforts, including the</p>
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# RESPONSES TO COMMENTS

	<p>Multiple Habitat Conservation Plan and associated City of Carlsbad Habitat Management Plan and City of Oceanside Subarea Plan. That section also discusses the project's consistency with those plans, pursuant to addressing the applicable CEQA significance thresholds. It is acknowledged that formal findings of consistency will be required at the point in the planning process when the project is considered for approval.</p> <p>As noted in Section 3.4.3 (page 3-26 of the Draft EIR) all potential alignments and sub-alignments that have been identified by the applicant are analyzed, thereby presenting a "worst case" analysis of potential impacts associated with the pipelines. Therefore contrary to what the commentor suggests, the impact analyses are complete, and the description of mitigation is specific, not general. Particularly related to biological resources, "direct impacts were quantified by overlaying the limits of project grading, trenching and construction staging on the biological resources map of the study area....A 40-foot impact corridor has been used to assess direct impacts for trench construction." (Draft EIR at page 4.3-18). Mitigation measures include specific acreages for each sensitive habitat that is impacted, at ratios specified in the HMP (Draft EIR at page 4.3-52).</p> <p><b>31GG</b> The pump station mentioned in the City's recent update to the Water Master Plan is to increase the flows from the existing earthen reservoir (Maerkle Dam) to the existing 10 mgd concrete buried storage tank (Maerkle Reservoir). This Water Master Plan required pump station is not part of the proposed desalination project. It is an improvement recommended in the Water Master Plan regardless of the source of the water supply and will be constructed based on when the water demands increase to the point that additional flow capacity from Maerkle Dam to Maerkle Reservoir is needed. City staff estimates increased water demands may dictate pump station construction sometime between 2010 and 2015. However, this improvement may not be completed until buildout in 2020.</p>
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# RESPONSES TO COMMENTS

	<p>While it is understood that water distribution systems and pump stations have security risks, again they are not part of the desalination project. However, CMWD has taken steps to increase security in all existing facilities in accordance with recommendations within a Vulnerability Assessment Study completed and approved by the CMWD Board approximately 2 years ago. Any new District facilities will come under the same study recommendations.</p> <p>Both the enlarged pump station as well as an additional 15 mgd capacity underground storage reservoir next to existing Maerkle Reservoir, another improvement identified in the Water Master Plan, are included in Table 5-1, Cumulative Projects, of Section 5.0 of the EIR.</p> <p><b>31HH</b> The Lead Agency does not agree that public ownership in and of itself would result in different types or levels of environmental impacts. Substantial evidence in the Draft EIR indicates that the project (privately owned and operated) would fully comply with the Coastal Act, the Clean Water Act, and other environmental laws and regulations. One example of this obvious factor is the provision in the Water Purchase Agreement between the Carlsbad Municipal Water District and the applicant (Appendix B) that provides that CMWD's obligation to buy water is subject to Poseidon having obtained and maintained all necessary governmental approvals for construction and operation of the project. Specifically:</p> <p><b>LEGAL ENTITLEMENTS.</b> (Page 9 of the Agreement – Appendix B of the Draft EIR) Poseidon, at its sole cost and expense, shall be solely responsible for obtaining and maintaining (or causing its applicable subcontractors to obtain and maintain) any and all permits, licenses, approvals, authorizations, consents and entitlements of whatever kind and however described (collectively, "Legal Entitlements") which are required to be obtained or maintained with respect to the Project or the activities to be performed by Poseidon (or its applicable subcontractors) under this</p>
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# RESPONSES TO COMMENTS

	<p>Agreement and which are required to be issued by any federal, state, city or regional legislative, executive, judicial or other governmental board, agency, authority, commission, administration, court or other body or any official thereof having jurisdiction with respect to any matter which is subject to this Agreement, including without limitation the California Coastal Commission, the Regional Water Quality Control Board, the City, the Carlsbad Housing and Redevelopment Commission ("RDA") and the District (each, a "Governmental Authority"). Poseidon also shall be solely responsible for compliance with and for all costs and expenses necessary for compliance with the CEQA, to enable Poseidon to make Product Water available to the District pursuant to this Agreement, and Poseidon shall be responsible for initiating any procedures required for compliance with CEQA with regard to this Agreement. The City shall be the "Lead Agency" (as that term is used in CEQA) with respect to the Project and shall include this Agreement as part of the proposed Project which will be subject to environmental review under CEQA.</p> <p>In addition, the City has the right under the agreement to approve any assignee at its sole discretion, and any future assignee must agree to abide by Legal Entitlements.</p> <p><b>31II</b> The optional alignments for the proposed offsite pipelines are not considered to be alternatives to the project, but are rather described as being the project itself. As noted in the Draft EIR, Section 3.4.3, Page 3-16, "A number of alignment options have been identified to provide flexibility in alignment selection and to ensure that all potential alignment segments are analyzed in the EIR. Although the EIR includes project level environmental analysis of several potential alignment options (<i>Figure 3-5, Offsite Water Delivery Facilities</i>), only one of the potential alignment options will be constructed as part of the project. This provides for a worst case analysis, in that not all of the segments of pipe that are analyzed for potential impacts will be built." Therefore, it is not the case that the</p>
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## RESPONSES TO COMMENTS

	<p>environmental effects of one alignment option are being weighed against another. The environmental analysis contained in the Draft EIR includes effects associated with all of the alignment options. Therefore, since some of the alignments will not be constructed, the actual environmental effects will be less than what is analyzed in the Draft EIR.</p> <p>Language has been added to the Final EIR to clarify that the Reduced Project Capacity alternative is considered to be the environmentally superior alternative. Pursuant to the guidance provided in Section 15126.6(d) of the CEQA Guidelines, the Lead Agency believes that the Draft EIR discussion of project alternatives (contained in Section 6.0) provides sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. As noted in the aforementioned Guidelines section, “the effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.” It should also be noted that the CEQA Guidelines (Section 15126.6(b)) states that the purpose of the alternatives analysis is to focus on alternatives which are capable of avoiding or substantially lessening any significant effects of the project. As noted in the discussion of project impacts, feasible mitigation measures are proposed that have the ability to reduce nearly all of the significant effects of the project, with the exception being cumulative air quality impacts and regional growth-inducing impacts, for which no feasible project-level mitigation is available. As noted in Section 6.0 of the Draft EIR, none of the project alternatives would provide avoidance or mitigation of impacts (including biological impacts) that could not be achieved with implementation of the proposed mitigation measures for the project. Therefore, the Lead Agency believes that adequate information and appropriate level of detail is provided in the analysis of project alternatives to foster meaningful public participation and informed decision making.</p> <p><b>31JJ</b> See Response 31II.</p>
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## RESPONSES TO COMMENTS

	<p><b>31KK</b> The commentor incorrectly summarizes the conclusion of the growth-inducing impacts discussion from the Draft EIR. The Draft EIR (page 9-5) states that “the (RWFMP) EIR concludes that while the RWFMP may foster additional growth indirectly by removing barriers to growth, it is too speculative to reasonably assess what physical effects on the environment may result from the RWFMP’s contribution to growth, and therefore, pursuant to CEQA Guidelines Section 15145, the conclusions are noted and the discussion terminated.” The Draft EIR then further states that “implementation of the proposed project at a local level would have the same potential for growth inducement as the RWFMP, and no additional discussion of potential growth effects are required or necessary.”</p> <p>Additional analysis and conclusions are presented in Section 9.0 of the Draft EIR for the specific impact that the project would have on growth-inducement locally within the City of Carlsbad. That discussion concludes that because of growth control measures that exist as a result of the City’s Growth Management Plan adopted by the voters, there would be no substantial local effect on growth-inducement. That conclusion is different from the overall conclusion that the project may have a significant growth-inducing effect on a regional basis.</p> <p><b>31LL</b> This comment appears to reference alleged inadequacies of the Draft EIR identified in the commentor’s letter, to which responses are provided (See Responses 31A through 31 KK). The Lead Agency believes that the Draft EIR adequately addresses all potential environmental effects associated with the proposed project and proposes adequate and feasible mitigation, pursuant to the requirements of CEQA.</p>
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# RESPONSES TO COMMENTS

## Comment No. 32

OCEAN HILLS PROPERTY PROTECTION FUND TRUST  
Ocean Hills Country Club  
4610 Cyrus Way, Oceanside, CA 92056

June 27, 2005

Scott Donnell  
Associate Planner  
City of Carlsbad Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

Jeff Garvey  
Desalination Project Manager  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, CA 92123

Peter M. MacLaggan  
Senior Vice President-Product Development  
Poseidon Resources Corporation  
501 W. Broadway, Suite 840  
San Diego, CA 92101

Donnell W. Wilcox  
Project Engineer  
Carollo Engineers  
5575 Ruffin Road, Suite 200  
San Diego, CA 92123

Subject: Desalination Plant Project—Our Position Statement  
(Includes Response to City of Carlsbad/Poseidon Draft EIR)

Greetings to All:

The Ocean Hills Property Protection Fund Trust is funded by private financial contributions from among the more than 2,000 residents of Ocean Hills Country Club, and it is administered by six Trustees. The Fund's purpose is to help ensure that all development with potential impact on our neighborhood is responsible and compatible with maintaining or improving our current quality of life. We live in a safe, tranquil community, and we are unequivocally committed to keeping it that way.

The Ocean Hills Property Protection Fund hereby states its position for the benefit of all interested parties with regard to a desalination plant in north San Diego County:

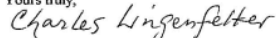
1. We strongly support a desalination plant in north San Diego County, and are pleased that plans seem to be moving forward for such a plant.
2. As a matter of record, we would vigorously oppose any plan that includes a pumping station within earshot or within sight of any residents of Ocean Hills Country Club.



## RESPONSE TO COMMENT NO. 32 Ocean Hills Property Protection Fund Trust Chuck Lingenfelter ( Letter dated June 27, 2005)

- 32A** This comment provides background on the commentor's organization. No response is necessary.
- 32B** The commentor expresses support for construction of a desalination located in north San Diego County. Comment noted. No response is necessary.
- 32C** As noted in Section 3.4.3 (page 3-28) of the Draft EIR, a single off-site pump station is proposed with the project, located on Oceanside Boulevard within an existing public works yard, which is several miles from the Ocean Hills Country Club community.
- 32D** See Response 32C. The San Diego County Water Authority's project is not the subject of this EIR.
- 32E** This comment is noted and will be considered by the Lead Agency in its deliberations over the project. In the event that a pipeline alignment in the vicinity of the Ocean Hills Country Club community is selected, the concerns addressed in this comment will be considered by the City Engineering Department in its approval of pipeline design and construction specifications.
- 32F** The most recent Carlsbad Master Water Plan (2003) does include plans for expansion of the pump station at Maerkle Reservoir as well as construction of an underground storage reservoir. However, these proposed projects are not part of the desalination project. When the

# RESPONSES TO COMMENTS

<p style="text-align: right;">[Page 2 of 2]</p> <p>3. We are encouraged that the draft EIR recently released by the City of Carlsbad and Poseidon does not propose a pumping station anywhere near our perimeter boundaries. We understand and expect that the San Diego County Water Authority's draft EIR reportedly to be released within the next few months also will not propose such a pumping station.</p> <p>4. If any pipe laying should become necessary anywhere near our perimeter boundaries, we would oppose the open trench method in favor of a pulled pipe or other trenchless method. Ocean Hills Country Club is a "55-plus," age restricted community of well over 2,000 residents, many of whom have respiratory ailments and extreme sensitivity to dust and other airborne particulates. From all available information, problems associated with the open trench method of pipe laying cannot be sufficiently mitigated to eliminate serious health risks to our residents.</p> <p>5. We are concerned that there has not yet been full disclosure concerning expansion plans under consideration for the Maerle Reservoir site. Therefore:</p> <p style="padding-left: 40px;"><b>We respectfully request an answer to the following questions: Is the City of Carlsbad and/or the Southern California Water Authority and/or any other government or private entity planning any expansion of the Maerle Reservoir site, including but not limited to an expansion of the pumping station capacity, expansion of reservoir storage capacity and/or installation of any new pipelines? If so, when will the draft EIR(s) be issued detailing these plans?</b></p> <p style="padding-left: 40px;">The most recent Carlsbad Master Water Plan (2003) reportedly includes plans for a major expansion of the pump station at Maerle Reservoir, as well as construction of a huge underground storage reservoir. Yet nothing was mentioned about any of this in the City's desalination plant draft EIR.</p> <p>6. Our community borders on the Calavera area open space, and we would oppose any plan that would have a significant adverse impact on this very special natural area.</p> <p style="text-align: center;">*** **</p> <p>We highly value our ongoing dialogue with the Cities of Carlsbad and Oceanside, the San Diego County Water Authority, Poseidon Resources and Carollo Engineers, and appreciate that all of you are committed to maintaining open and clear channels of communication with us.</p> <p>Yours truly,            Charles Lingenfelter          Chuck Lingenfelter, President, Ocean Hills Property Protection Fund Trust          Signed on Behalf of All Six Trustees</p> <p>cc: Bud Lewis, Mayor, Carlsbad City Council          Morris Vance, Mayor, Vista City Council          Jim Wood, Mayor, Oceanside City Council          Esther Sanchez, Member, Oceanside City Council          Sherri Mackin, Member, Oceanside City Council</p>	<p>District's water demand increases to the point that these projects are needed, all environmental studies and assessments will be completed at that time and prior to any design and construction. City staff estimates increased water demands may dictate construction of the underground storage reservoir in 2008-2009 and pump station construction sometime between 2010 and 2015. However, these improvements may not be completed until buildout in 2020.</p> <p>Both the expanded pump station and construction of an underground storage reservoir are identified in Table 5-1, Cumulative Projects, of Section 5.0 of the EIR.</p> <p>As described on page 3-2 in EIR Section 3.0, Project Description, the San Diego County Water Authority (SDCWA) is currently conducting planning and environmental studies for a regional seawater desalination facility at the Encina Power Station. One of the pipeline alignments under consideration by SDCWA that would carry desalinated water passes by Maerle Reservoir and may include a secondary pump station at that location. As noted on page 3-2, it is assumed that if the desalination project proposed by Poseidon Resources and analyzed by this EIR is approved and built, the SDCWA desalination facility proposal at the Encina Power Station and related pipelines would not be built.</p> <p>More information about the SDCWA proposed project may be obtained by contacting Bob Yamada of the Water Authority, at 858-522-6744 or <a href="mailto:ryamada@sdewa.org">ryamada@sdewa.org</a>.</p> <p><b>32G</b> As noted on Figure 3-5 (page 3-17) of the Draft EIR, all of the potential alignments for the offsite pipelines within the areas that are proposed for conservation under the City's Habitat Management Plan are proposed within existing and future roadways. In addition, Section 4.3 (<i>Biological Resources</i>) of the Draft EIR provides a summary of impacts that would</p>
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# RESPONSES TO COMMENTS

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	<p>result from project construction, indicating that impacts to native habitats total 5.1 acres.</p>
<b>32H</b>	<p>Comment noted.</p>



# RESPONSES TO COMMENTS

## Comment No. 33



June 15, 2005

Mr. Scott Donnell  
Associate Planner  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Mr. Donnell:

The Industrial Environmental Association promotes environmental responsibility through effective communication and interaction with our members, government, regulatory agencies, business and the community. We use proven technology, scientific methods and common sense to achieve a beneficial relationship between environmental protection, public health and economically sustainable growth. I am writing to comment on the Draft Environmental Impact Report (DEIR) for the Carlsbad Desalination Project.

The DEIR closely studied numerous issues related to the marine environment, regional growth, land use, and confirms that the desalination facility can be built and operated in an environmentally responsible manner without significant unmitigated impacts. The DEIR also confirms that the proposed operation would ensure the continued biological diversity in and around Agua Hedionda Lagoon through sustainable use of marine resources and stewardship the lagoon and surrounding watershed. Specifically:

1. The project would require a separate National Pollutant Discharge Elimination System (NPDES) permit from the San Diego Regional Water Quality Control Board that satisfies the requirements of the federal Clean Water Act; California Ocean Plan; and the Comprehensive Water Quality Control Plan for the San Diego Region.
2. The proposed mitigation measures require that the information generated by the ocean monitoring programs described in the DEIR would be available to the public
3. The DEIR also evaluates potential Lagoon enhancements that include easements for use, leases, or the dedication of land to the City of Carlsbad for general public benefit. These features include the land located on the north side of the lagoon just west of the railroad tracks, next to Hubbs Sea World Research Institute. The site is approximately two acres in size and is proposed to be used as a site for expansion of the fish hatchery and aquatic research uses.

701 B Street • Suite 1040 • San Diego, CA 92101 • (619) 544-9684 • FAX (619) 544-9514



## RESPONSE TO COMMENT NO. 33 Industrial Environmental Association Patti Krebs (Letter dated June 15, 2005)

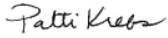
- 33A** This comment provides background on the Industrial Environmental Association and notes the purpose of their letter. No response is required.
- 33B** The commentor expresses their concurrence with the findings of the Draft EIR and does not raise any issues or concerns. No further response is required.

# RESPONSES TO COMMENTS

4. The project provides for optimum use of available coastal property through co-location with the Encina Power Station.
5. The DEIR demonstrates that the proposed project will not cause significant entrainment losses to marine organisms. The DEIR found that the incremental entrainment effect of larval fishes from the desalination plant operations would be less than 0.28 percent.
6. The operation of the desalination plant would not result in significant impacts related to elevated salinity levels. The DEIR discovered that under all possible operating conditions the desalination plant would not result in salinity levels exceeding the identified thresholds of significance.

After thoroughly reviewing this report I feel that there is no environmental impact from this plant that can not be mitigated.

Sincerely,



Patti Krebs  
Executive Director

B (cont.)

P. 2

Jun 22 05 01:52p

# RESPONSES TO COMMENTS

<div data-bbox="764 339 932 367" data-label="Section-Header"> <p><b>Comment No. 34</b></p> </div> <div data-bbox="520 391 688 532" data-label="Image"> </div> <div data-bbox="749 396 907 553" data-label="Image"> </div> <div data-bbox="306 466 401 485" data-label="Text"> <p>June 15, 2005</p> </div> <div data-bbox="306 500 449 587" data-label="Text"> <p>Mr. Scott Donnell Associate Planner City of Carlsbad 1635 Faraday Avenue Carlsbad, CA 92008</p> </div> <div data-bbox="306 600 428 621" data-label="Text"> <p>Dear Mr. Donnell:</p> </div> <div data-bbox="306 634 854 740" data-label="Text"> <p>The Agua Hedionda Lagoon Foundation was established as a non profit corporation in 1990 to help conserve, restore and enhance the environmental features of the Agua Hedionda Lagoon, marsh, wetlands and watershed area, to protect sensitive land through acquisition or other means and to promote balanced recreational and commercial uses consistent with assured future lagoon vitality. The Foundation serves as an advocate for the lagoon and is a strong supporter of public access, trails and recreational opportunities.</p> </div> <div data-bbox="306 753 854 826" data-label="Text"> <p>The draft environmental impact report for the Carlsbad Desalination Project closely studied numerous issues related to the marine environment and land use around the proposed project site and confirms that the desalination facility can be built and operated in an environmentally responsible manner without significant unmitigated impacts.</p> </div> <div data-bbox="306 839 854 894" data-label="Text"> <p>The report also confirms that the proposed operation would ensure the continued biological diversity in and around Agua Hedionda Lagoon through sustainable use of marine resources and stewardship the lagoon and surrounding watershed.</p> </div> <div data-bbox="306 907 392 927" data-label="Text"> <p>Specifically:</p> </div> <div data-bbox="329 940 854 1214" data-label="List-Group"> <ol style="list-style-type: none"> <li>1. The project provides for optimum use of available coastal property through co-location with the Encina Power Station (DEIR Section 4.8.4).</li> <li>2. The project achieves the project objectives in an environmentally responsible manner without significant unmitigated impacts (DEIR Sections 4.1 through 4.11).</li> <li>3. The DEIR demonstrates that the proposed project will not cause significant entrainment losses to marine organisms. The DEIR found that the incremental entrainment effect of larval fishes from the desalination plant operations would be between 0.01 and 0.28 percent. Species of direct recreational and commercial value constitute less than one percent of the entrained organisms, and considering the fact that in general, less than one percent of all fish larvae become reproductive adults, the operation of the desalination plant would not result in significant impacts on those species. (DEIR pages 4.3-35 through 4.3-43).</li> <li>4. The DEIR found that under all operating conditions the desalination plant would not result in salinity levels exceeding the identified thresholds of significance. Therefore, operation of the desalination plant would not result in significant</li> </ol> </div> <div data-bbox="354 1271 827 1289" data-label="Text"> <p><small>A California Non-Profit Corporation, P.O. Box 4004, Carlsbad CA 92018 • 760 434-2610, <a href="http://www.aguahedionda.org">www.aguahedionda.org</a></small></p> </div> <div data-bbox="890 621 932 1224" data-label="Text"> <p>A B C</p> </div>	<div data-bbox="1188 269 1719 412" data-label="Section-Header"> <p><b>RESPONSE TO COMMENT NO. 34</b> <b>Agua Hedionda Lagoon Foundation</b> <b>Herb Papenfuss</b> <b>(Letter dated June 15, 2005)</b></p> </div> <div data-bbox="1003 456 1923 1403" data-label="List-Group"> <p><b>34A</b> This comment provides information on the commentor's organization. No response is necessary.</p> <p><b>34B</b> This comment expresses the commentor's opinion regarding the environmental analysis provided in the Draft EIR and does not raise any issues regarding the environmental analysis that require a specific response, therefore no further response is necessary.</p> <p><b>34C</b> The points numbered 1 through 5 of comment C reference information contained in the Draft EIR. The commentor has provided page numbers for each point. No specific issues or concerns are raised and therefore no further response is necessary.</p> <p><b>34D</b> As noted in the Draft EIR, monitoring data resulting from implementation of the EIR mitigation measures will be available for public inspection.</p> <p><b>34E</b> The commentor expresses support for potential lagoon enhancements through obtainable permanent easements, leases or dedications. The comment does not raise any issues or concerns regarding the adequacy of the land use analysis and therefore no further response is necessary.</p> <p><b>34F</b> Comment noted regarding the Foundation's support for microtunneling and off-site transmission lines. No further response is necessary.</p> <p><b>34G</b> Prior to the start of construction, a Mitigation Implementation and Monitoring Program would be developed pursuant to Section 21081.6 of</p> </div>
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# RESPONSES TO COMMENTS

impacts related to elevated salinity levels. A mitigation measure has been included for purposes of requiring monitoring of the combined operations of the desalination plant and the Encina Power Station to ensure that salinity levels remain within the parameters that have been analyzed. (DEIR pages 4.3-43 through 51).

5. The project would require a separate National Pollutant Discharge Elimination System (NPDES) permit from the San Diego Regional Water Quality Control Board that satisfies the requirements of the federal Clean Water Act; California Ocean Plan; and the Comprehensive Water Quality Control Plan for the San Diego Region. (DEIR page 3-32).
6. The proposed mitigation measures require that the information generated by the ocean monitoring programs described in the DEIR would be available to the public (DEIR Mitigation Measure 4.3-6). The Foundation wants to be ensured that we receive a copy of this document when it becomes available.
7. The DEIR also evaluates potential Lagoon enhancements that include easements for use, leases, or the dedication of land to the City of Carlsbad for general public benefit. These features include the land located on the north side of the lagoon just west of the railroad tracks, next to Hubbs Sea World Research Institute the fishing beach adjacent to the Outer Lagoon and the bluff area directly to the north of Terra Mar. Although these areas are currently used for public recreation purposes the Foundation strongly supports obtaining permanent easements, leases or actual dedications to ensure that these areas always are accessible to the public. (DEIR page 4.11-6&7).
8. The Foundation supports the use of microtunneling wherever possible to reduce adverse environmental impacts as described in the Biological Resources Section (4.3). The Foundation also supports the location of offsite transmission lines in the right-of-ways of existing streets wherever possible.
9. The Foundation requests that the City and other regulatory agencies ensure the biological mitigation measures identified on page as 4.3-51-54 are closely monitored and implemented.

The Agua Hedionda Lagoon Foundation supports this project because it is the most logical, environmentally sensitive method of ensuring a future water supply for San Diego County and it will not create any adverse environmental impacts on the Lagoon and surrounding watershed.

Sincerely,



Herb Papenfuss  
President - Agua Hedionda Lagoon Foundation

C (cont.)

D

E

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G

H

34H

the Public Resource Code. Section 21086.6 requires a public agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) when it approves a project that is subject to preparation of an EIR and where there is the potential for adverse environmental impacts. The MMRP includes all of the mitigation measures contained in the Draft EIR and will be considered by the Lead Agency in its deliberations on the project.

Comment noted regarding the commentor's support of the project. No further response is necessary.



# RESPONSES TO COMMENTS

## LOLA'S MARKET AND DELI

3292 ROOSEVELT ST.  
CARLSBAD, CA. 92008

Comment No. 35

15 June 2005



Mr. Scott Donnell, Associate Planner  
CITY OF CARLSBAD  
1635 Faraday Avenue  
Carlsbad, CA 92008


Dear Mr. Donnell,

As a long time resident and business owner in the City of Carlsbad, I have experienced the tremendous growth that has occurred these past few years. We know that in the future we will be confronted with serious water problems. We have to take the necessary steps now to assure that we will have plenty of water to supply our needs, as well as the needs of the surrounding communities

I congratulate the City for taking steps to improve water supply reliability. This is an important aspect of ensuring economic vitality in Carlsbad.

I have reviewed the project EIR and was especially interested in the sections on noise, traffic and air quality. I am relieved to see that the project will have few, if any, negative impacts during the construction phase on businesses in our Village. Poseidon Resources has made significant efforts to minimize nearby impacts, which business owners greatly appreciate.

In addition, many jobs will be created during construction and operation of the plant, which will benefit the local economy. I wholeheartedly support this project.

  
Ofelia E. "Ofie" Escobedo  
Partner/owner

CC: Ray Patchett, City Manager  
Peter McLaglan, Poseidon Resources

## RESPONSE TO COMMENT NO. 35

Lola's Market and Deli  
Ofelia E. Escobedo  
(Letter dated June 15, 2005)

35A

This letter expresses the commentator's support of the project and does not raise any issues or concerns regarding the environmental analysis. No further response is necessary.

# RESPONSES TO COMMENTS

## Comment No. 36

June 21, 2005

Mr. Scott Donnell  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Re: Draft EIR for Carlsbad Desalination Project

Dear Mr. Donnell:

I would like to provide the City of Carlsbad with comments on the Environmental Impact Report for the Precise Development Plan and Desalination Plant (EIR 03-05 – SCH# 2004041081) dated May 2005. Hubbs-SeaWorld Research Institute's Leon Raymond Hubbard, Jr. Marine Fish Hatchery is located on the Agua Hedionda Lagoon, across from the proposed desalination facility. Accordingly, we are concerned that all development along the Lagoon be conducted in a manner to conserve the Lagoon's vital and productive marine life, and to ensure that the conservation program supported by our hatchery facility is not adversely impacted.

Because of our Institute's unique dependence on the Lagoon habitat, I have reviewed the sections of the draft report pertaining to biological impacts. The report's authors conclude that any environmental impacts to the receiving waters, the surrounding habitats and/or the organisms that inhabit those habitats should be insignificant. Based on my review of the methodology and results reported, these conclusions appear to be correct.

The biological survey work undertaken, the assay experimentation conducted, and the mathematical modeling performed appear to be a scientifically valid and authoritative approach to answering the biological impact questions posed by the environmental review process. The recommendation to conduct on-going environmental sampling should allow the appropriate regulatory agencies to test the assumptions that went into the models and also provide an adequate level of assurance that significant negative impacts are not occurring. Furthermore, this sampling regime should afford a wealth of information, which will be invaluable to resource agencies charged with management of our living marine resources.

In conclusion, I do not believe that the desalination facility will have an adverse impact on the marine environment, the Agua Hedionda Lagoon, or our hatchery's operations.

Thank you for affording our Institute the opportunity to provide an opinion on the impacts of the proposed desalination facility during your review of this project.

Sincerely,



Donald B. Kent  
President, Hubbs-SeaWorld Research Institute &  
Co-Principal Investigator, Ocean Resources Enhancement  
and Hatchery Program

2595 Ingraham Street | San Diego, CA 92109 | T: 619.226.3870 | F: 619.226.3944  
6295 Sea Harbor Drive | Orlando, FL 32821 | T: 407.370.1650 | F: 407.370.1659 | www.hswri.org



## RESPONSE TO COMMENT NO. 36 Hubbs-SeaWorld Research Institute Donald B. Kent (Letter dated June 21, 2005)

36A

Commentor acknowledges their review of the biological resources section of the Draft EIR and concurs with the analysis. No issues or concerns regarding the environmental analysis were raised and therefore no additional response is required.

# RESPONSES TO COMMENTS



## Comment No. 37

The Robert M. Weissman Campus  
5245 Avenida Dora | Carlsbad, CA 92008  
T: 760-615-4000  
www.gia.edu



June 14, 2005

Scott Donnell, Associate Planner  
City of Carlsbad, Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

Re: Precise Development Plan and Desalination Plant  
EIR 03-05-SCH#2004041081

Dear Scott,

This letter is to notify you that the pipeline route alternate, Encina – Sub shown as solid yellow in Figure 3-5, crosses property owned by the Gemological Institute of America: APN 2110231000, APN 2110231200. There currently exists a parking lot in this area and we intend to build structures along that alignment in the future.

A

Sincerely,

Gary S. Hill  
Director, Community Development

The Nonprofit Educational Institution of the Jewelry Industry Since 1931  
Carlsbad | New York | Los Angeles | Japan | Korea | Taiwan | Italy | Thailand | Hong Kong | Russia

## RESPONSE TO COMMENT NO. 37

Gemological Institute of America

Gary S. Hill

(Letter dated June 14, 2005)

**37A** This comment is noted and the information provided will be taken into consideration in the determination of appropriate alignment options for the offsite pipelines.

# RESPONSES TO COMMENTS

## RESPONSE TO COMMENT NO. 38 The Flower Fields at Carlsbad Ranch Joni Miringoff (Letter dated June 10, 2005)

38A

This letter reiterates certain components of the project description and provides the commentator's opinion on the thoroughness of the document. No concerns or issues regarding the environmental analysis were raised and therefore no additional response is necessary.



Comment No. 38



June 10, 2005

Mr. Scott Donnell  
Associate Planner  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92008

Dear Mr. Donnell:

The Flower Fields at Carlsbad Ranch respectfully submits the comments below in response to the EIR for the proposed Carlsbad Seawater Desalination facility.

From a land use perspective, this project was designed with much thought and sensitivity to the surrounding community and coastal areas. By co-locating the desalination facility on a 4-acre parcel next to the Encina power plant, the facility will provide many environmentally friendly benefits including:

- Minimizing impacts and maximizing efficiency by sharing the power plant's existing ocean water intake and outfall.
- Construction of the desalination plant will not require any modification of the Encina power plant, which has been designated as a "must run facility" to meet the region's energy needs.
- The plant is configured to allow for the future modernization of the power plant.
- The desalination plant will ensure continued stewardship of the Agua Hedionda lagoon and surrounding watershed.

The City of Carlsbad has prepared a thoughtful, thorough document that demonstrates that this desalination facility is environmentally sound and will not have any significant impacts to the surrounding area.

Sincerely,

*Joni Miringoff*

Joni Miringoff

5600 AVENIDA ENCINAS SUITE 100 CARLSBAD, CA 92008  
TELEPHONE 760 930-9123 FAX 760 431-9020 [www.theflowerfields.com](http://www.theflowerfields.com)

# RESPONSES TO COMMENTS



June 29, 2005

Mayor Bud Lewis and Council Members  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Dear Mayor Lewis and Council Members:

The Carlsbad Chamber of Commerce would like to comment about the Environmental Impact Report (EIR) for the proposed desalination plant built by Poseidon Resources in the City of Carlsbad. This plant will provide Carlsbad residents, businesses, and the greater San Diego region with a more reliable, local supply of high-quality, affordable water.

After reviewing the EIR, the Carlsbad Business Environment Committee, the Chamber's Government Affairs Committee and the Chamber Board of Directors believes this plant would be the environmentally responsible solution to the region's water needs. Given that the EIR does not identify any significant, unavoidable impacts related to the thirteen different areas studied, including noise, the project could be constructed and operated in an environmentally responsible manner with minimal impacts and maxim efficiency.

This project will be a benefit to the community by generating jobs and caring for the local environment. The desalination plant will generate an estimated \$170 million in spending during construction, create 2,100 jobs during construction, and have \$37 million in annual spending throughout the region once operational. It will also support job creation for high tech and biotech business that depend on a reliable supply of high quality water. In addition, the desalination plant will ensure continued stewardship of the Agua Hedionda Lagoon and surrounding watershed.

The Chamber supports this project, not only because it is important for local businesses, but because it will improve the water reliability and quality of the water supply for all of Carlsbad. The Chamber's Government Affairs Committee and Carlsbad Business Environment Committee (CBEC) have also reviewed the EIR, and offer their approval and support to this project.

Sincerely,

Ted Owen  
President and CEO

5934 Priestly Drive • Carlsbad, California 92008  
Phone: (760) 931-8400 • Fax: (760) 931-9153 • E-mail: [chamber@carlsbad.org](mailto:chamber@carlsbad.org) • Web: [www.carlsbad.org](http://www.carlsbad.org)



Comment No. 39

ALL RECEIVED



A

## RESPONSE TO COMMENT NO. 39

Carlsbad Chamber of Commerce

Ted Owen

(Letter dated June 14, 2005)

39A

See response to comment No. 28 from the Carlsbad Chamber of Commerce, dated June 29, 2005. This is a duplicate letter, however, the latter dated comment acknowledges that the Chamber's Government Affairs Committee and Carlsbad Business Environment Committee also reviewed the Draft EIR and express their similar support. The June 29 letter was also written to the City of Carlsbad Mayor and Council members rather than city staff. No further response is necessary.

# RESPONSES TO COMMENTS

## Comment No. 40

Scott Donnell  
City of Carlsbad  
1635 Faraday Ave.  
Carlsbad, CA 92008

2882 Dartmouth Drive  
Oceanside, CA 92056  
May 17, 2005  
Telephone 760-966-0376



### ENVIRONMENTAL IMPACT REPORT COMMENTS

Dear Mr. Donnell,

The environmental impact report for the proposed Carlsbad desalination plant is deficient in not mentioning the substantial amount of carbon dioxide which would be released to the atmosphere. The plant would result in about 170,000 tons of carbon dioxide being released each year. Approximately **10 million tons** would be emitted over the 60 year proposed life of the project.

While neither the U.S. Environmental Protection Agency (EPA) nor the California Environmental Quality Act (CEQA) have established specific limits for emission of CO<sub>2</sub>, its harmful effects, in particular on climate change, are well documented.

Global warming is expected to have a negative effect on California's future fresh water supplies. Much of the water from recent record rainfalls ultimately flowed into the Pacific Ocean as there are insufficient facilities to catch and store this water. California depends upon snowpacks in the mountains for its long term source of water. Unfortunately, the snowpacks are shrinking due to global warming and there will be less water available from that source. Ironically, the proposed Carlsbad desalination plant will likely contribute to the degradation of the vital snowpacks and reduce that important water supply.

Conservation is the logical alternative to the proposed desalination plant. The amount of water wasted in California is appalling. It must be recognized we are living in a semi-desert where water conservation should be a major priority. Instead of spending money on a desalination plant it should be spent on implementing conservation.

Calculations and source information for estimating the amount of CO<sub>2</sub> are provided on the attachment.

Very truly yours,

  
William Bruinsma, PE

Enclosure:

40A

While the comment is correct in indicating that the desalination plant would result in emissions of carbon dioxide, it is also correct in stating that there are no current regulatory requirements for emissions of CO<sub>2</sub> that have been implemented by either the U.S. EPA or the state of California. There are also no significance thresholds established in the California Environmental Quality Act or by the San Diego Air Pollution Control District for carbon dioxide.

To put the emissions of carbon dioxide in perspective, according to the California Air Resources Board, the total estimated 2010 emissions of carbon dioxide in California from light-duty vehicles alone (i.e., passenger cars and light trucks) will be 417,080 tons per day. The carbon dioxide emissions from motor vehicles are several orders of magnitude higher than the carbon dioxide emissions from energy use required for the Carlsbad desalination plant. Thus proposed controls and reduction in the use of personal vehicles is the focus of the California Air Resources Board's efforts in reducing carbon dioxide emissions. According to the California Energy Commission, transportation accounts for 58 percent of greenhouse gas emissions in California, as opposed to 16 percent from electric power generation and 9 percent from residential uses.

The Air Quality Analysis addresses impacts of regulated pollutants from the proposed project and is consistent with both the requirement of CEQA and the requirements of the U.S. EPA, the California Air Resources Board, and the San Diego Air Pollution Control District.

40B

See Response 40A.

# RESPONSES TO COMMENTS

<p style="text-align: center;"><b><u>CALCULATIONS AND SOURCE INFORMATION</u></b></p> <p style="text-align: center;"><b><u>ENVIRONMENTAL IMPACT REPORT COMMENTS</u></b> <b><u>ATTACHMENT</u></b></p> <p><b><u>Source Information</u></b></p> <p><b><u>POWER CONSUMPTION:</u></b> EIR- Appendix D; Air Quality Technical Report- Indirect Emissions from Energy Use (page 29 of report) <u>Average power consumption 29.8 MW</u></p> <p><b><u>CO2 OUTPUT RATE</u></b> (pounds CO<sub>2</sub> per kWh) Carbon Dioxide Emissions from the Generation of Electric Power in the United States, EPA website: <a href="http://www.eia.doe.gov/cneaf/electricity/page/co2_report/co2report.html#electric">http://www.eia.doe.gov/cneaf/electricity/page/co2_report/co2report.html#electric</a> (Table 1 of report) <u>For gas fuel, 1.314 to 1.321 pounds CO<sub>2</sub> per kWh</u></p> <p><b><u>LIFE OF PLANT</u></b> <a href="http://www.carlsbadseal.com/faq.aspx?id=1#q17">http://www.carlsbadseal.com/faq.aspx?id=1#q17</a> (FAQ, Question 17)  "Poseidon has acquired the first rights to use the power station intake and outfall facilities, to continue full operations for up to 60 years."</p> <p><b><u>Calculations</u></b></p> <p><b><u>ANNUAL POWER CONSUMPTION</u></b> 29.8 MW x 24 hours x 365.25 days = 261,226.8 and 261,226.8 MWh X 1,000kWh/MWh = <u>261,226,800 kWh</u></p> <p><b><u>ANNUAL CO2 PRODUCTION</u></b> 261,226,800 kWh x 1.3 pounds CO<sub>2</sub>/kWh x ton/2000pounds = <u>170,000 tons of CO<sub>2</sub></u></p> <p><b><u>TOTAL CO2 PRODUCTION</u></b> 170,000 tons of CO<sub>2</sub>/year x 60 years = <u>10,200 tons of CO<sub>2</sub></u></p>	<p><b>40C</b> The commentor appears to attempt to establish a relationship among the project, global warming, and water storage capacity in California concluding that the ultimate effects of the project on water supply will be negative. This comment engages in speculation that is beyond the scope of analysis in an environmental document, pursuant to the guidance provided in the State CEQA Guidelines Section 15145.</p> <p><b>40D</b> As noted in Section 9.2 (page 9-2) of the Draft EIR, conservation is acknowledged as an important strategy employed within the region to reduce demand for water supply. Water conservation programs are implemented by MWD, CWA and local water agencies. In analyzing regional water supply and demand issues, the County Water Authority recently adopted the Regional Water Facilities Master Plan, which concludes that conservation alone cannot meet future water demand. Therefore, conservation is not considered to be an alternative to the proposed project, but along with seawater desalination and other components, is part of the overall regional strategy that addresses future water needs.</p> <p><b>40E</b> See Response 40A.</p>
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# RESPONSES TO COMMENTS

## Comment No. 41

Scott Donnell - CITY OF CARLSBAD | CONTACT US

Page 1

From: <rhawkins@earthlink.net>  
To: <Water@205.142.109.13>  
Date: 05/17/2005 11:02:34 AM  
Subject: CITY OF CARLSBAD | CONTACT US

A visitor to the City of Carlsbad Web site has completed and posted the "Contact Us" form to department, Water District.

\*\*\*\*\*  
FOR SECURITY REASONS, DO NOT CHANGE THE SUBJECT LINE.  
\*\*\*\*\*

Below, please find the information that was submitted:  
Greetings,

We understand that the DEIR for your desal project was released for comment today. Please provide us with a copy at: Law Offices of Robert C. Hawkins; 110 Newport Center Dr., Ste. 200; Newport Beach, CA 92660. In addition, we understand that the notice indicated that DEIR is available on the website. We could not locate it. A

Please include these comments in the environmental record on the DEIR. Thank you.

RCH

Robert Hawkins

rhawkins@earthlink.net  
Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; .NET CLR 1.1.4322)  
66.18.143.32

## RESPONSE TO COMMENT NO. 41

Robert C. Hawkins

(Email correspondence dated May 17, 2005)

- 41A** City staff contacted the commentor regarding the availability of the Draft EIR, and provided purchase information, locations where paper copies of the Draft EIR were available for public review, and information to locate the document on the city's website.

# RESPONSES TO COMMENTS

## Comment No. 42

LAW OFFICES OF ROBERT C. HAWKINS

Via Facsimile and U.S. Mail

April 27, 2005



Michael Strong  
Planning Department  
City of Carlsbad  
1635 Faraday Ave.  
Carlsbad, California 92008

Re: City of Carlsbad's Draft Environmental Impact Report ("DEIR") for the Carlsbad "Desal" Plant (the "Project") (SCH No. 2004041081)

Dear Mr. Strong:

Earlier, we requested to be placed on the interested party list for the captioned Project and DEIR. Apparently, that never happened. Please place this firm on the interested party list for the Project and any other environmental documents released by the City.

Please also find enclosed Check No. 4261 in the amount of twenty-two (\$22.00) dollars for payment and shipping of the CD for the captioned project. (Please note that we regard this charge as excessive for CD's which cost pennies. We reserve all rights to recoup this money for the class of all commentors who are required to pay this illegal charge.) Please note that we need to review the appendices which are not on the City's web site; purchase of the CD or hard copy is the only way to review the Appendices. Another alternative would be to place the entire document including Appendices on the web site. Also, please refund any overage.

Please include this letter in the environmental record on the captioned Project. Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

LAW OFFICES OF ROBERT C. HAWKINS

By: Robert C. Hawkins

RCH/kw

110 Newport Center Drive, Suite 200  
Newport Beach, California 92660  
(949) 650-5550  
Fax: (949) 650-1181

## RESPONSE TO COMMENT NO. 42

Law Offices of Robert C. Hawkins

Robert C. Hawkins

(Letter dated April 27, 2005)

**42A** City staff does not have a record of Mr. Hawkins' initial request to be placed on an interested party list. In response to this letter and other communication with Mr. Hawkins, his name has been placed on the interested party list to receive environmental notices on the desalination project.

**42B** The Lead Agency charged \$20 for each CD. This charge reflects material and labor costs associated with scanning documents for conversion into Adobe Acrobat .pdf files, and purchasing, burning, and labeling the CDs.

Because of their large file size, the draft EIR appendices were not included on the City's website. The website did include a note to this effect along with a city department phone number to call to request a copy of the appendices. Additionally, as explained in the Notice of Completion for the draft EIR, a copy of the appendices was made available for public review at the City of Carlsbad Planning Department. The appendices were also available for review on the applicant's website, [www.carlsbad-desal.com](http://www.carlsbad-desal.com).

**42C** This letter has been included in the Final EIR as part of the environmental record.